EXPLANATORY STATEMENT

Issued by the Australian Communications and Media Authority

Variation to Licence Area Plan – Goulburn Radio – No.1 of 2014

*Broadcasting Services Act 1992*

In accordance with the *Australian Communications and Media Authority Act 2005*, since 1 July 2005 the Australian Communications and Media Authority (the ACMA) has exercised powers and functions under the *Broadcasting Services Act 1992* (BSA).

The ACMA has made a variation to the *Licence Area Plan – Goulburn Radio – June 1999*. The variation was made under subsection 26(2) of the BSA and is referred to in this explanatory statement as “the variation”.

The LAP and variations to the LAP

The ACMA prepares Licence Area Plans (LAPs) under subsection 26(1) of the BSA. LAPs determine the number and characteristics, including technical specifications, of broadcasting services that are to be available in particular areas of Australia with the use of the broadcasting services bands.

The ACMA may, by legislative instrument, vary LAPs under subsection 26(2) of the BSA.

The Australian Broadcasting Authority made the *Licence Area Plan – Goulburn Radio – June 1999* on 17 June 1999 and varied it on 19 February 2004.

It is referred to in this explanatory statement as “the Goulburn LAP”.

Intended impact and effect

The variation varies the characteristics, including technical specifications, of radio broadcasting services in the Goulburn area to:

* increase the maximum effective radiation power (ERP) to 2 kW and antenna height to 20 m, and allow a change of nominal transmitter site for the existing community radio broadcasting service currently provided by the licensee Goulburn Community Radio Association Inc. (2GCR FM103.3);
* vary the Goulburn RA2 licence area to include the expanded coverage areas predicted from 2GCR FM103.3’s new technical specifications;
* update the description of the licence area definitions in the Goulburn LAP from 2001 to 2006 Australian Bureau of Statistics (ABS) 2006 census data; and
* make minor amendments in the Goulburn LAP to update the title, schedules and attachments.

The intended impact and effect of this variation is to clarify the characteristics, including technical specifications, of radio broadcasting services in the Goulburn area. The ACMA does not intend the variation to alter any existing rights and obligations, except as set out above.

Regulatory Impact Statement

The Office of Best Practice Regulation (OBPR) has determined that the proposed regulatory change is minor or machinery in nature and has advised that no regulatory impact statement is required. The OBPR has issued an exemption reference number: ID 2014/17002.

Consultation

Before making the decision to vary the Goulburn LAP, the ACMA undertook the following consultation:

1. On 13 August 2014, the ACMA published the following papers on its web site:
	1. a draft variation instrument to the Goulburn LAP (draft variation);
	2. a discussion paper outlining the changes proposed in the draft variation and inviting public comment by 12 September 2014;
	3. a draft variation to the frequency allotment plan (FAP);
	4. licence area maps; and
	5. an issue for comment paper announcing the draft variation and inviting public comment by 12 September 2014.
2. On 13 August 2014 the ACMA wrote to the licensees and stakeholders in the Goulburn licence area and in adjacent radio licence areas to advise them of the release of the draft variation and to invite their comments by 12 September 2014.
3. On 13 August 2014 the ACMA placed banner advertisements in the e-versions of newspapers circulating in Goulburn and neighbouring areas with a click through to the ACMA website containing copies of the draft variation and invited public comment by 12 September 2014.

The ACMA received two submissions on the draft variation in response to the consultation.

In finalising the variation to the Goulburn LAP, the ACMA has considered the submissions it received.

Description of the provisions of the variation

***Section 1 – Name of Instrument***

Section 1 provides that the name of the variation is *Variation to Licence Area Plan – Goulburn Radio – No 1 of 2014.*

***Section 2 - Commencement***

Section 2 provides that the variation commences on the day after it is registered on the Federal Register of Legislative Instruments.

***Section 3 - Variation***

Section 3 varies the Goulburn LAP as set out in paragraphs (a) – (f).

***Paragraph 3(a)***

Paragraph 3(a) renames the Goulburn LAP as *Licence Area Plan – Goulburn Radio*.

***Paragraph 3(b)***

Paragraph 3(b) amends the heading on the title page of the Goulburn LAP so that it reads “Licence Area Plan - Goulburn Radio”.

***Sub-paragraph 3(c)(i)***

Sub-paragraph 3(c)(i) amends the heading on the first page of the Goulburn LAP so that it reads “Licence Area Plan – Goulburn Radio”.

***Sub-paragraphs 3(c)(ii) and (iii)***

Sub-paragraphs 3 (c) (ii) and (iii) have the effect of repealing paragraphs (1) – (5) on the first page of the Goulburn LAP and substituting new clauses (1), (2), (3), (4) and (5).

The new clause (1) provides that the Goulburn LAP is for radio broadcasting services in the Goulburn area of New South Wales, and is made under subsection 26(1) of the BSA.

New clause (2) combines the contents from old clause (2) and (3) for the radio broadcasting services in the Goulburn RA1 licence area.

New clauses (2), (3) and (4) are substantially similar to the corresponding paragraphs of the Goulburn LAP. The main differences are that the word ‘Determination’ has been replaced with the word ‘plan’ in each clause, and the clauses refer to the Attachments and Schedules as specified in the variation.

The new clause (5) ensures that the Goulburn LAP refers to schedules and attachments that have been amended from time to time by the ACMA.

***Paragraph 3(d)***

Paragraph 3(d) removes from the Goulburn LAP all the text, immediately before Schedule One of the Goulburn LAP under the heading “SCHEDULES” and the sub-headings “Status Column” and “Frequency Column” (including the headings and sub-headings themselves). This material was originally included for reference only and is no longer considered relevant or necessary.

***Paragraph 3(e)***

Paragraph 3(e) omits all schedules of the Goulburn LAP and substitutes new Schedules One, Two and Three. These schedules set out the details of the national, commercial and community radio broadcasting services that are to be available on particular frequencies in the Goulburn RA1, Goulburn RA2 and Braidwood RA1 licence areas.

In particular, the Schedules provide the technical specification numbers for each transmitter to be used by the services in the licence areas, and specify the attachments which contain the technical specification for each of those transmitters.

The changes between the omitted and substituted schedules include replacing the old technical specification for the community radio broadcasting service in the Goulburn RA2 licence area with a new technical specification, and removal of reference material that is no longer considered relevant or necessary such as removal of the words ‘February 2004’ from Schedules One, Two and Three.

***Paragraph 3(f)***

Paragraph 3(f) omits all attachments and substitutes new Attachments 1.1 to 1.16, 2.1, 2.2, 3.1 and 3.2.

The new Attachment 1.1 contains the definition of the Goulburn RA1 licence area in terms used by the Australian Bureau of Statistics (ABS) in the 2006 census.

The new Attachments 1.2, 1.3, 1.4, 1.5, 1.6, and 1.7 contain the technical specifications for the national radio broadcasting services in Crookwell, Goulburn and Goulburn (town).

The new Attachments 1.8, 1.9 and 1.10 contain the technical specifications for the commercial radio broadcasting service under Service Licence number SL4112 to be available at Goulburn, Braidwood and Crookwell in the Goulburn RA1 licence area.

The new Attachments 1.11, 1.12 and 1.13 contain the technical specifications for the commercial radio broadcasting service under Service Licence number SL10313 to be available at Goulburn, Braidwood and Crookwell in the Goulburn RA1 licence area.

The new Attachments 1.14 and 1.15 contain the technical specifications for the open narrowcasting services to be available at Goulburn (town) and Goulburn in the Goulburn RA1 licence area.

The new Attachment 1.16 contains the technical specifications for a national radio broadcasting service in Goulburn (town).

The new Attachment 2.1 contains the definition of the Goulburn RA2 licence areas in terms used by the ABS in the 2006 census.

The new Attachment 2.2 contains the technical specifications for a community radio broadcasting service to be available at Goulburn in the Goulburn RA2 licence area.

The new Attachment 3.1 contains the definition of the Braidwood RA1 licence area in terms used by the ABS in the 2006 census.

The new Attachment 3.2 contains the technical specifications for a community radio broadcasting service to be available at Braidwood in the Braidwood RA1 licence area.

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

***Variation to Licence Area Plan – Goulburn Radio – No.1 of 2014***

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

The legislative instrument varies, under subsection 26(2) of the *Broadcasting Services Act 1992,* the *Licence Area Plan – Goulburn Radio – June 1999.* The variations are to the characteristics, including technical specifications, of radio broadcasting services in the Goulburn area to make new radio broadcasting services available in the licence area, and to amend the technical specifications of existing services in the area.

The intended impact and effect of this variation is to clarify the characteristics, including technical specifications, of radio broadcasting services in the Goulburn area. The ACMA does not intend the variation to alter any existing rights and obligations, except as set out in the instrument.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Australian Communications and Media Authority**